



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 15, 2013**

**S.B. 291, An Act Concerning Procedures for Determining the Potential
Disqualification of a Judicial Branch Official and Establishing a Process that Allows
the Office of the Attorney General to Review Complaints of Wrongdoing by
Municipal Police Departments**

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, on **S.B. 291, *An Act Concerning Procedures for Determining the Potential Disqualification of a Judicial Branch Official and Establishing a Process that Allows the Office of the Attorney General to Review Complaints of Wrongdoing by Municipal Police Departments***. The Judicial Branch is opposed to sections 1 and 2 of this proposal.

Section 1 would require that, prior to the commencement of any judicial proceeding, the presiding judge or family support magistrate would conduct an open-court inquiry of the parties to determine if the judge or family support magistrate should be disqualified based on a familial or business relationship. This provision is both burdensome and unnecessary. The Code of Judicial Conduct sets out in great detail when a judge should disqualify, or recuse, him or herself. This requirement would impact all proceedings, including short calendar matters. The inquiry prior to every proceeding would result in substantial delays, which would extend the time necessary to complete the business on the calendar and cause substantial delay.

Section 2 would require the Program Review and Investigations Committee to study potential conflicts of interest that arise in the criminal justice system between a criminal defendant and an employee of the Judicial Branch, Office of the Chief State's Attorney or Office of the Chief Public Defender. The study would be required to examine the implementation of process and procedures to ensure that prior to the disposition of any criminal matters, an

employee of the Judicial Branch, Office of the Chief State's Attorney or Office of the Chief Public Defender disclose to a criminal defendant any facts or circumstances that may be construed as creating a potential conflict of interest between such employee and a criminal defendant. It is unclear how Program Review could study a matter that is so case-specific. Furthermore, we would respectfully point out that to the extent that this language applies to attorneys representing a party in a case, the Code of Professional Conduct governs their actions. To the extent that it covers other employees, they do not have the ability to influence the outcome of a case so the proposal is unnecessary.

In conclusion, we urge the Committee not to act favorably on this proposal.

Thank you for your consideration.